ADMINISTRATIVE PANEL DECISION

Efforce Limited v. Michael Copley
Case No. D2026-1022

1. The Parties

The Complainant is Efforce Limited, Malta, represented by Carnelutti Law Firm, Italy.

The Respondent is Michael Copley, Spain.

2. The Domain Name and Registrar

The disputed domain name <investigatingefforce.com> is registered with Gandi SAS (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 10, 2026. On March 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 11, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Respondent on March 11 and 12, 2026, requested information on the status of the proceeding.

The Center requested to the Complainant to amend the Complaint on March 13, 2026. The Complainant filed the Amended Complaint on March 16, 2026.

The Parties sent multiple communications to the Center between March 15, 2026, and March 17, 2026.

The Center verified that the Complaint together with the Amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 12, 2026. The Respondent filed multiple response documents on March 19, 22, and 23, 2026.

The Parties sent multiple communications to the Center between March 23, 2026, and March 26, 2026. The Center acknowledged receipt accordingly on March 25 and March 27, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on April 7, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, incorporated in 2018, trades under the EFFORCE mark. Through its blockchain-based online platform, the Complainant facilitates energy efficiency initiatives aimed at reducing energy consumption and environmental impact through a digital token enabling users to participate in energy efficiency projects.

The Complainant's primary website is hosted at its domain name <efforce.io>, which was registered in 2018.

The Complainant owns European Union Trademark Registration No. 018126543 EFFORCE and E device in classes 35, 36, 37, 39, 40, and 42, having a registration date of January 9, 2020.

The Respondent is a co-plaintiff in litigation filed against the Complainant in California in 2025 concerning, amongst others, allegations of financial fraud against the Complainant and its associated entities.

The disputed domain name was registered on April 9, 2025, and presently resolves to a website entitled "Investigating Efforce - A comprehensive documentary record of alleged fraud and misrepresentation in the Efforce / WOZX token project." The website contains details of the pending California litigation, pleadings filed in the present proceedings, and actions allegedly taken by the Complainant against the Respondent's website infrastructure. According to the historical evidence submitted by the Complainant, the Respondent's website previously included detailed allegations of financial fraud against the Complainant, until the Complainant's take-down actions resulted in the website being suspended by its hosting provider.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name was registered and has been used in bad faith in order to disrupt the business of the Complainant by defaming the Complainant and its officers through false and misleading claims.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent claims legitimate interests under paragraph 4(c)(iii) of the Policy due to his use of the disputed domain name for purposes of a genuine, noncommercial criticism and investigation website focussing on the Complainant.

The Respondent requests a finding of Reverse Domain Name Hijacking ("RDNH") on the basis that, amongst others, the Complainant, represented by experienced trademark counsel, knew that the Respondent is actively litigating against it and knew, or should have known, that the Complaint could not succeed given that the Respondent has legitimate interests flowing from genuine, noncommercial criticism of the Complainant.

6. Discussion and Findings

A. Supplemental Filings

Both the Complainant and the Respondent filed unsolicited Supplemental Filings.

Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings. Admissibility of supplemental filings is to be assessed based on relevance, foreseeability, the need to conduct the proceedings with due expedition, and the equal treatment of the parties so that each has a fair opportunity to present its case. Paragraph 10(b) of the Rules; *Societé aux Loteries en Europe, SLE v. Take That Ltd.*, WIPO Case No. D2007-0214; WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.6.

The Panel declines to admit the Parties' supplemental filings filed on March 11, 12, 15 and 17, 2026. They all deal with matters that are either irrelevant to the present proceedings or are addressed in the Parties' primary filings.

The Respondent filed a Response on March 19, 2026, and filed Supplemental Responses on March 22, and 23, 2026. The Complainant objected to the filing of the Supplemental Responses.

The Panel notes that the Response as well as the Supplemental Responses were all filed before the due date for the Response, and the Respondent specifically requested, in his email of March 23, 2026, that they all be considered together as his Response. In the circumstances, the Panel does not see any prejudice to the Complainant in admitting the Response and the Supplemental Responses and considering them together as the Respondent's Response. The Panel accepts them accordingly.

Regarding the Parties' supplemental filings filed between March 23, and 26, 2026. The Respondent's filings concern new developments in the California litigation that could not have been foreseen by the Respondent when filing his Response, and they are directed towards answering allegations made in the Complainant's own supplemental filings filed over this period. The Respondent's supplemental filings are admitted to that extent.

The Complainant's supplemental filings are largely directed towards addressing the Respondent's new allegations addressed above and the Respondent's allegations of RDNH. They are admitted to that extent.

B. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview 3.1, section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

Where at least a dominant feature of the relevant mark is recognisable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. Here, the dominant part of the Complainant's registered mark, "EFFORCE", is wholly contained within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here "investigating") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

The Panel finds the first element of the Policy has been established.

C. Rights or Legitimate Interests

The Respondent claims legitimate interests under paragraph 4(c)(iii) of the Policy based on his fair use of the disputed domain name for purposes of a noncommercial criticism website focussing on the Complainant. The Panel finds that the Respondent has, on balance of probabilities, legitimate interests in the disputed domain name on this basis for the following reasons.

As set out in the WIPO Overview 3.1, section 2.6.1, in order to confer legitimate interests, such criticism must be genuine and noncommercial and it should not be a pretext for cybersquatting, commercial activity, or tarnishment.

A key consideration in making this assessment is the composition of the disputed domain name itself. As set out in the WIPO Overview 3.1, section 2.6.3, if the domain name consists of the mark plus a derogatory term (e.g., <trademarksucks.tld>), UDRP panels tend to find that the respondent has a legitimate interest in using the trademark as part of the domain name of a criticism site if such use is prima facie noncommercial, genuinely fair, and not misleading or false. Here, the term "investigating", although not a clear derogatory term, does suggest some form of accusation or criticism, and will operate to distinguish the disputed domain name from any official presence of the Complainant in the minds of users, who are unlikely to believe that the Complainant would, of its own accord, register a domain name incorporating a term that suggests wrongdoing on its part.

The composition of the disputed domain name including this term thus does not prima facie create an impermissible risk of confusion and supports the Respondent's claims of genuine criticism. The Panel notes that domain names incorporating the closely related word "investigation" have been treated accordingly by prior Panels under the Policy. See, for example, *Lou Taylor v. Noelle Van Der Valk*, WIPO Case No. D2021-2824.

While the Complainant claims that the content on the disputed domain name's website shows the Respondent's bad faith and intent to tarnish the Complainant's trademark, there is nothing on the face of the disputed domain name's website or in the record indicating clearly that the Respondent's motivation behind the criticism is not genuine. Thus, establishing whether or not the Complainant is correct in this regard would necessarily involve the Panel considering, in detail, the veracity of the material featured on the disputed domain name's website. Assessing whether or not the Respondent's criticism of the Complainant has any merit or is defamatory is beyond the scope of a cybersquatting enquiry under the Policy, and this is best left to the courts. See *MUFG Union Bank, N.A. v. William Bookout*, WIPO Case No. DME2014-0008. See also the WIPO Overview 3.1, section 2.6.1, where it is stated:

"In assessing the genuineness of criticism, mindful that there may be a difference of opinion or factual dispute between the parties, panels do not look at the veracity or accuracy of the criticism as such, nor any allegations that the criticism is defamatory in nature; rather they will look at whether the motivation behind the criticism is genuine, as opposed to being a sham or pretext to hide another motive such as cybersquatting or commercial activity."

The Panel's neutrality on the veracity of the Respondent's criticism should not, however, be taken as the Panel endorsing these claims as true. Rather, it is a reflection of it simply not being vested with the substantive or evidentiary tools available to a court, to consider the merits.

The Respondent's involvement in a lawsuit against the Complainant in California, filed before the Complaint was filed and shortly after the disputed domain name was registered, also suggests that the Respondent genuinely believes his criticism of the Complainant to be true and that it is not merely pre-textual.

As far as the Panel can tell, the Respondent's website is noncommercial. There are no advertisements, no promotion of any business activities of any party, there is no evidence that the Respondent is a competitor of the Complainant, nor is there any other evidence that the Respondent has operated this website for any commercial purpose or to take an unfair advantage of the Complainant. There are also no indicia of tarnishment or cybersquatting. To be clear, unwanted criticism is not tarnishment; the latter refers to unseemly conduct such as linking unrelated pornographic, violent or drug-related images, or information meant to disparage an otherwise wholesome mark. See *Dover Downs Gaming & Entertainment, Inc. v. Domains By Proxy, LLC / Harold Carter Jr, Purlin Pal LLC*, WIPO Case No. D2019-0633.

In the circumstances, it is more likely than not that the disputed domain name was registered and has been used for the purpose of genuine criticism of the Complainant. The Panel thus finds that the Respondent has legitimate interests based on fair use under paragraph 4(c)(iii) of the Policy.

The Panel finds the second element of the Policy has not been established.

D. Registered and Used in Bad Faith

In light of the Panel's findings in relation to the second element, there is no need for the Panel to consider the third element.

E. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. WIPO Overview 3.1, section 4.16.

Here, the Parties have made conflicting arguments about the veracity of the critical content displayed on the Respondent's website, and, as noted, the Panel is not in a position to assess which of the Parties' versions is true. As such, the Complainant's version that the Respondent's criticism is not genuine and is aimed at defaming the Complainant may or may not be true.

In the circumstances, there is insufficient evidence in the record showing, on balance of probabilities, that the Complainant was being dishonest in arguing that the Respondent's criticism was illegitimate, or that its belief in this regard was unreasonably held.

The Panel thus declines to find RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/
Jeremy Speres
Sole Panelist
Date: April 15, 2026